

# COUNTY OF YORK

## MEMORANDUM

**DATE:** March 1, 2005 (BOS Mtg. 3/15/05)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application Nos. ZM-90-05 and UP-658-05, King's Creek Holding Co., LLC

### **ISSUE**

These applications are two components of a single development proposal and therefore are being described in a single memorandum. However, separate public hearings and separate actions/votes should be conducted on each.

**Application No. ZM-90-05** is a request to amend the York County Zoning Map by reclassifying a 0.71-acre parcel located at 1637 Penniman Road (Route 641) from RR (Rural Residential) to EO (Economic Opportunity) subject to voluntarily proffered conditions. The applicant has proffered that the property will become a part of the King's Creek Plantation timeshare resort currently under construction and will be subject to the same terms and conditions applicable to that development. The property is further identified as Assessor's Parcel No. 11-116.

**Application No. UP-658-05** is a request, contingent on the approval of Application No. ZM-90-05 above, for a Special Use Permit to authorize the construction of a timeshare resort on an approximately 0.71-acre parcel of land located at 1637 Penniman Road (Route 641). The applicant plans to incorporate this property into the King's Creek Plantation timeshare resort currently under construction on approximately 157 acres surrounding the property. The property is further identified as Assessor's Parcel No. 11-116.

### **DESCRIPTION**

- Property Owner: Catherine and Gwendolyn Washington (Applicant is contract purchaser.)
- Location: 1637 Penniman Road (Route 641)
- Area: 0.71 acre
- Frontage: Approximately 63 feet on Penniman Road
- Utilities: Public water is available; sanitary sewer is not available.
- Topography: Moderate slopes in the northeast portion

- 2015 Land Use Map Designation: Economic Opportunity
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
  - North: Undeveloped property of King's Creek Plantation, LLC
  - East: Undeveloped property of King's Creek Plantation, LLC
  - South: Undeveloped property of King's Creek Plantation, LLC
  - West: Penniman Road; Cheatham Annex beyond
- Proposed Development: Extension of King's Creek Plantation timeshare resort

### **CONSIDERATIONS/CONCLUSIONS**

1. King's Creek Plantation is a 1,100-unit timeshare resort currently under development on Penniman Road. In 1997 when this development was originally approved, the developer was not able to acquire the subject parcel, which is entirely surrounded by the King's Creek Plantation landholdings. The developer has since reached an agreement with the property owner to purchase this property for the purpose of incorporating it into the timeshare resort. There would be no increase in the allowable number of units as a result of this small expansion in land area; the main benefit to the developer is that it would make the surrounding property easier to develop with the elimination of the 35' transitional buffer requirement applicable under the current zoning. This request is not related to the applicant's pending rezoning/use permit request to incorporate approximately 25.1 additional acres to the north (the Jones property) into the development, which the Planning Commission tabled at its September 8, 2004 meeting at the applicant's request.
2. The *Comprehensive Plan* designates most of the Route 199/Penniman Road corridor, including the subject parcel, for Economic Opportunity in recognition of its potential for tourist-oriented commercial development created by its proximity to a full Interstate 64 interchange, Water Country USA, and Busch Gardens and its function as a gateway into both Williamsburg and Yorktown. King's Creek Plantation is consistent with this designation.
3. The applicant has proffered that if these applications are approved the property will become part of the King's Creek Plantation timeshare development and that development of the property will be in general accordance with the submitted concept plan. Said plan depicts cottages and portions thereof on the property along with some parking area. Any timeshare units or other buildings on the property will be subject to the 45' minimum building setback in the EO zoning district, and since this segment of Penniman Road is a 45' greenbelt road, no construction of any kind will be allowed to occur within 45' of the street right-of-way (which in this case extends approximately 20' beyond the current pavement width). Greenbelts must be preserved in an

undisturbed natural state; however, most of the greenbelt buffer on this property was probably cleared long before the greenbelt provisions were established. The developer will be required, therefore, to revegetate the buffer area with tree and shrub plantings corresponding to the planting ratios for a front landscape yard.

4. A residential driveway onto Penniman Road currently exists on the subject parcel. The Virginia Department of Transportation (VDOT) has indicated that the developer will be required to remove this entrance if these applications are approved and that no vehicular access to King's Creek Plantation will be permitted in this location. The proposed Resolution of approval for the use permit includes a condition of approval addressing this requirement.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered these applications at its February 9 meeting and, subsequent to conducting a public hearing at which only the applicant and his agent spoke, voted 6:0 to recommend approval of both.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

Consistent with the Comprehensive Plan's vision for the Penniman Road/Route 199 corridor, King's Creek Plantation is an attractive development that creates a favorable image of the County for people traveling between I-64 and Yorktown. The incorporation of the subject property into the development would provide for a uniform streetscape along Penniman Road without adversely affecting any adjacent properties. Since there would be no increase in the permitted number of units as a result of this application, there would be no additional traffic.

There are three potential scenarios for this parcel. The first is that it retains its residential zoning and continues to be used for a single-family detached home that would be surrounded by commercial – albeit residential in character – development. The second is that these applications are approved and the parcel is incorporated into the surrounding timeshare development. The third is that another developer acquires the property and requests a rezoning – most likely to EO since any other zoning district would constitute a spot zone – for a separate commercial use that would be entitled to its own separate commercial entrance on Penniman Road. I believe the second scenario – approval of the applications – is the most desirable and most consistent with the *Comprehensive Plan*. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve these applications through the adoption of proposed Ordinance No. 05-5 and proposed Resolution No. R05-34.

Carter/3337:TCC

Attachments

- Excerpts of Planning Commission minutes, February 9, 2005
- Zoning Map
- Survey Plat
- Composite Exhibit: King's Creek Plantation

York County Board of Supervisors

March 1, 2005

Page 4

- Conceptual Plan
- Proffer Statement
- Proposed Ordinance No. 05-5 (Rezoning)
- Proposed Resolution No. R05-34 (Special Use Permit)